IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION (LODG) NO.776 OF 2005

Dayanand Vedic Vidhyalaya
Hindi High School Sanchalak
Samiti & anr. ..Petitioners.

Vs.

Shivdutt Rupasingh & Ors. ..Respondents.

WITH

WRIT PETITION (LODG.) NO.774 OF 2005

Dayanand Vedic Vidhyalaya
Hindi High School Sanchalak
Samiti & anr. ..Petitioners.

Vs.

Prithviraj Satyapal Singh
& Ors. ..Respondents.

....

Mr.N.V.Walawalkar with Mr.Surel S. Shah for the Petitioners.

Mr.Shaikh Nasir Masiha for Respondent No.1.

Mr.Deepak Jadhav for Respondent No.4.

CORAM : DR.D.Y.CHANDRACHUD, J.

17th March, 2005.

P.C. :

At the stage of mentioning, the matter has been taken up on Board for admission by consent.

Counsel appearing on behalf of the Petitioners and for the First Respondent - employee are agreed that the following order may be passed by consent in substitution of the impugned order dated 10th March, 2005 of the Presiding Officer of the School Tribunal without any further reasons being recorded :

(1) The First Respondent shall, without prejudice to the rights and contentions of the parties, be paid an amount equivalent to the subsistence allowance in accordance with law, during the pendency of the appeal before the School Tribunal;

(2) In view of the judgment of a Learned Single Judge of this Court in Adarsh Vidya Mandir Trust vs. Awadesh Narayan Koual Singh, 2005(1) Bom.C.R. 786, it would be open to the Petitioners to apply before the School Tribunal for leading evidence to substantiate the charge of misconduct against the First Respondent. In the event that such an application is made, the School Tribunal shall deal with such application in accordance with law;

(3) The School Tribunal shall expedite the disposal of the main appeal and endeavour to do so on or before 31st July, 2005;

(4) In view of the aforesaid arrangement, the impugned order dated 10th March, 2005 is quashed and set aside;

(5) This order shall not be construed as amounting to any expression of opinion by the Court on the merits of the case and all the rights and

contentions of the parties are kept open to be urged in appeal.

Both the Petitions are disposed of in the aforesaid terms. There shall be no order as to costs.